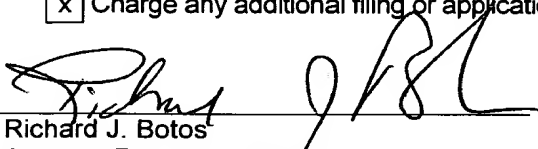
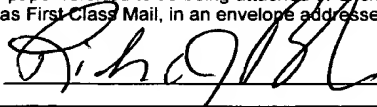




JE AP

| AMENDMENT TRANSMITTAL LETTER | | | | After Final Rejection | |
|---|----------------------------------|---|-----------------------------|------------------------------|------|
| Application No. 09/892,061 | | Filing Date June 26, 2001 | | Examiner W. H. Beisner | |
| | | | | Group Art Unit 1797 | |
| Applicant(s): Nicholas Bachur, Jr., Patrick S. Beaty, and Timothy G. Foley | | | | Docket No. BECTON 3.0-019 | |
| Invention: SYSTEM AND METHOD FOR OPTICALLY MONITORING THE CONCENTRATION OF A GAS, OR THE PRESSURE, IN A SAMPLE VIAL TO DETECT SAMPLE GROWTH | | | | | |
| TO THE COMMISSIONER FOR PATENTS | | | | | |
| Transmitted herewith is an amendment in the above-identified application. | | | | | |
| The fee has been calculated and is transmitted as shown below. | | | | | |
| CLAIMS AS AMENDED | | | | | |
| | Claims Remaining After Amendment | Highest Number Previously Paid | Number Extra Claims Present | Rate | |
| Total Claims | 3 | - 62 = | 0 | x 50.00 | 0.00 |
| Independent Claims | 1 | - 4 = | 0 | x 210.00 | 0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | |
| Other fee (please specify): | | | | | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT: | | | | | 0.00 |
| <input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity | | | | | |
| <input checked="" type="checkbox"/> No additional fee is required for this amendment. | | | | | |
| <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed. | | | | | |
| <input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed. | | | | | |
| <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge and credit Deposit Account No. <u>12-1095</u> as described below. A duplicate copy of this sheet is enclosed. | | | | | |
| <input checked="" type="checkbox"/> Credit any overpayment. | | | | | |
| <input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17. | | | | | |
|  Richard J. Botos Attorney Reg. No. 32,016 | | | | Dated: <u>May 12, 2008</u> | |
| LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 600 South Avenue West Westfield, New Jersey 07090 (908) 654-5000 | | | | | |
| I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First-Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. | | | | | |
| Dated: May 12, 2008 | | Signature:  (Richard J. Botos) | | | |



I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 12, 2008 Signature: Richard J. Botos

(Richard J. Botos)

EXPEDITED PROCEDURE

Group Art Unit: 1744

Docket No.: BECTON 3.0-019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Bachur et al.

Application No.: 09/892,061

Filed: June 26, 2001

For: SYSTEM AND METHOD FOR OPTICALLY
MONITORING THE CONCENTRATION OF
A GAS, OR THE PRESSURE, IN A
SAMPLE VIAL TO DETECT SAMPLE
GROWTH

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: Group Art Unit: 1744
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: Examiner: W. H. Beisner
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AMENDMENT UNDER 37 CFR 1.116

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated February 11, 2008, finally rejecting claims 113-115 and 119-122, please amend the above-identified U.S. patent application as follows: